

## **EXHIBIT A**

1           IN THE UNITED STATES DISTRICT COURT  
2           FOR THE DISTRICT OF NEW JERSEY  
2           (CAMDEN)

3       MARYANN COTTRELL and : Civil Docket  
4       RICHARD HOLLAND : No. 08cv-5418 (NLH)  
4           Plaintiffs, :  
5           : :  
5       vs. : :  
6       J&R DISCOUNT LIQUOR : :  
6       GALLERY, INC., d/b/a : :  
7       J&R LIQUORS; and DAVID : :  
7       J. STOUT, JR. : :  
8           Defendants. : :  
8

9           - - -  
10           West Berlin, New Jersey  
11           Wednesday, August 26, 2009  
12           - - -  
13

14           Deposition of MARYANN COTTRELL, taken  
15           pursuant to notice, at the law offices of Friedman  
16           Doherty, LLC, 125 North Route 73, West Berlin, New  
17           Jersey, on the above date, beginning at 1:40 p.m.,  
18           before Donna A. Bittner, RMR-CRR.  
19           - - -  
20

21           ANDREA SEGAL REPORTING  
22           122 Country Farms Road  
23           Marlton, New Jersey 08053  
24           (856) 596-1763

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1 APPEARANCES:

2

3 WESLEY G. HANNA, ESQUIRE  
4 Friedman Doherty, LLC  
5 125 North Route 73  
6 West Berlin, New Jersey 08091

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8 Counsel for Plaintiffs

9

10 MARK B. SHOEMAKER, ESQUIRE  
11 Ward Shoemaker LLC  
12 36 Euclid Street  
13 Woodbury, New Jersey 08096

14

15 Counsel for Defendants

16

17 ALSO PRESENT:

18

19 RICHARD HOLLAND

20

21 - - -

22

23

24



7

1 couple functions. One, you have a very nice court  
 2 reporter seated to your right. If we both talk at  
 3 the same time that makes her job very difficult to  
 4 take down accurately what we say.

5 Do you understand that?

6 **A.** Yes.

7 **Q.** And all the testimony today will become, will  
 8 be turned into a transcript that for certain  
 9 purposes may be usable at trial, so it's very  
 10 important for you to speak clearly so that the  
 11 court reporter can hear you.

12 Okay?

13 **A.** Yes.

14 **Q.** The other thing it does in allowing me to  
 15 complete my question is that I can be sure you've  
 16 heard the whole question and understood it. If you  
 17 don't understand my question, you should tell me  
 18 that. Never answer a question you don't  
 19 understand.

20 Agreed?

21 **A.** Yes.

22 **Q.** So if you answer a question I'm going to have  
 23 the fair presumption that you have in fact  
 24 understood the question.

8

1 Okay?

2 **A.** Yes.

3 **Q.** I do not want you to guess in response to any  
 4 question. I don't consider that to be honestly  
 5 based on personal knowledge.

6 You can estimate or approximate if you  
 7 tell me you're doing that and certainly if you have  
 8 personal knowledge you can answer any question you  
 9 understand.

10 Okay?

11 **A.** Yes.

12 **Q.** Are you, and I don't ask you this because I  
 13 suspect, but are you under the influence of any  
 14 medication, alcohol or any other substance that  
 15 might inhibit your ability to understand my  
 16 questions or to have an accurate recollection --

17 **A.** No.

18 **Q.** -- of things that happened in the past?

19 **A.** No.

20 **Q.** Do you have any questions of me before we  
 21 begin?

22 **A.** No.

23 **Q.** One other thing, sometimes people have a  
 24 tendency to use gestures when they answer or to

9

1 shake your head or nod your head. Keep in mind  
 2 those type of gestures will not make the permanent  
 3 record, so if you want to convey something to me it  
 4 has to be in words.

5 Okay?

6 **A.** Yes.

7 **Q.** And typically people forget at some point and  
 8 I'll remind you. I'm not being rude. I just want  
 9 to make sure all of your words get to the  
 10 transcript.

11 Okay?

12 **A.** Yes.

13 **Q.** Miss Cottrell, where do you currently reside?

14 **A.** 31 South Academy Street, Glassboro.

15 **Q.** How long have you resided there?

16 **A.** About ten years.

17 **Q.** Where whom do you reside at 31 South Academy  
 18 Street?

19 **A.** Mr. Richard Holland and my daughter Brittany  
 20 Sloop.

21 **Q.** Her last name is Sloop, S-L-O-P-E?

22 **A.** No, S-L-O-O-P.

23 **Q.** Are you Brittany's natural mother?

24 **A.** Yes.

10

1 **Q.** Do you have sole custody?

2 **A.** Yes.

3 **Q.** How old is Brittany?

4 **A.** She just turned 24.

5 **Q.** And it is my understanding through a review  
 6 of the pleadings and some other matters that  
 7 Brittany has some form of disability; is that  
 8 correct?

9 **A.** Yes.

10 **Q.** What form of disability does or disabilities  
 11 does Brittany have?

12 **A.** Okay. Well, she's autistic and she's blind.

13 **Q.** Does she have any physical disabilities that  
 14 impair her ability to walk?

15 **A.** She has other disabilities, but under HIPAA I  
 16 wish not to disclose that.

17 **Q.** Okay.

18 You have a handicapped parking pass,  
 19 do you not?

20 **A.** Yes.

21 **Q.** And you are entitled to use that handicap  
 22 parking pass whenever you are transporting your  
 23 daughter; is that accurate?

24 **A.** Yes.

11

1     **Q.** What was the basis upon which you got the  
2 handicapped parking pass?

3     **A.** I got an application to the State of New  
4 Jersey Motor Vehicle. I went to her doctor. Her  
5 doctor filled it out and I submitted the  
6 application and I was approved.

7     **Q.** Was there a particular disability that your  
8 doctor relied upon for that application?

9     **A.** Probably both autism and blindness.

10    **Q.** Were there any others?

11    **A.** I don't know.

12    **Q.** You don't know if the doctor included them?

13    **A.** I know autism and blindness. I don't recall  
14 if he put anything else and I don't recall what the  
15 exact wordage was, but I would say autism and  
16 blindness.

17    **Q.** Does Brittany need a wheelchair to get  
18 around?

19    **A.** No.

20    **Q.** Does she require any assistive devices like  
21 canes or walkers?

22    **A.** Yes.

23    **Q.** Which does she use?

24    **A.** She has a white cane.

13

1     **A.** That's just the time that we have the  
2 contract for.

3     **Q.** I'm not sure --

4     **A.** I think that's the best time that suits her  
5 needs.

6     **Q.** Is there a time frame each day where they  
7 come?

8     **A.** From 11:30 to 3:30.

9     **Q.** Are those caretakers, the agency that  
10 provides them, is that funded by some state  
11 program?

12    **A.** Yes, Real Life Choices through the State of  
13 New Jersey.

14    **Q.** Other than receiving some benefits from the  
15 state program you just mentioned --

16    **A.** Yes.

17    **Q.** -- are you in any way affiliated with that  
18 program aside from that?

19    **A.** No.

20    **Q.** Are you affiliated with any advocacy groups  
21 related to the disabled?

22    **A.** No. Could you describe the word affiliated?

23    **Q.** Are you members of any groups that provide  
24 support or advocacy for the disabled?

12

1     **Q.** Is that a one-point or a four-point cane?

2     **A.** A white cane is specifically for blind  
3 individuals.

4     **Q.** Okay.

5         Does she require any sort of walker or  
6 cane for assistance in walking itself as opposed to  
7 vision?

8     **A.** No.

9     **Q.** Does she require the assistance of another  
10 individual to get around?

11    **A.** Yes.

12    **Q.** And you are one of those people I assume?

13    **A.** Yes.

14    **Q.** And how about Mr. Holland?

15    **A.** Yes.

16    **Q.** Does anyone else on a routine basis help her  
17 to get around?

18    **A.** Yes.

19    **Q.** Who would that be?

20    **A.** Her caretakers through an agency.

21    **Q.** How often do the caretakers take care of  
22 Brittany?

23    **A.** Monday through Friday.

24    **Q.** Is that more or less during work hours?

14

1     **A.** I'm a member of LRC. They provide resource  
2 materials.

3     **Q.** What does LRC stand for, do you know?

4     **A.** Learning Resource Center.

5     **Q.** Okay.

6     **A.** I have people that I talk to, the Community  
7 Law Project, which anybody that's disabled would  
8 have access to. The ADA itself, they have a  
9 technical center.

10    **Q.** And that's more of a resource of information  
11 as opposed to a group? For example, the National  
12 Rifle Association is an example of a group.

13    **A.** The Community Law Project would be a resource  
14 of information and ADA technical support would be  
15 an area to receive information.

16    **Q.** Have any of those entities ever provided you  
17 with legal support?

18    **A.** No.

19    **Q.** Would I be correct in my presumption that  
20 Brittany was diagnosed with autism at a relatively  
21 young age?

22    **A.** Yes.

23    **Q.** Was she also born blind?

24    **A.** No.

15	17
1 <b>Q.</b> That developed over time?	1 <b>A.</b> No. From 2000 to 2004? Would you repeat
2 <b>A.</b> Yes.	2   that?
3 <b>Q.</b> She's legally blind now?	3 <b>Q.</b> Yes.
4 <b>A.</b> Yes.	4                  From the year 2004 to the present am I
5 <b>Q.</b> Do you recall was there a specific year where	5   correct that neither you nor Mr. Holland had any
6   she was determined or found to be blind?	6   gainful employment?
7 <b>A.</b> Age 19.	7 <b>A.</b> No, Mr. Holland has worked at Rowan
8 <b>Q.</b> So it was about five years ago?	8   University.
9 <b>A.</b> Yes.	9 <b>Q.</b> Okay. When did he work at Rowan?
10 <b>Q.</b> Is she able to work?	10 <b>A.</b> It was March of 2008 to July 12th of 2008.
11 <b>A.</b> No.	11 <b>Q.</b> In what capacity?
12 <b>Q.</b> I presume she was never licensed to drive a	12 <b>A.</b> Facilities landscape.
13   car?	13 <b>Q.</b> In between 1999 and March of 2008 he was not
14 <b>A.</b> No.	14   employed?
15 <b>Q.</b> Are you currently employed?	15 <b>A.</b> There was a period of workman's comp. he was
16 <b>A.</b> No.	16   on.
17 <b>Q.</b> Have you ever been employed?	17 <b>Q.</b> Workman's compensation?
18 <b>A.</b> Yes.	18 <b>A.</b> Yes.
19 <b>Q.</b> When were you last employed?	19 <b>Q.</b> So there would be some sort of monthly
20 <b>A.</b> 2004.	20   stipend that came in?
21 <b>Q.</b> In what position?	21 <b>A.</b> Yes.
22 <b>A.</b> Okay. I worked for it was Verizon. Before	22 <b>Q.</b> I'm not going to get into how much. That's
23   that it was Bell Atlantic and they when they had	23   not my business.
24   the name change it's Verizon now, directory	24 <b>A.</b> Okay.
16	18
1 assistance.	1 <b>Q.</b> Between 2004, do you know what month you
2 <b>Q.</b> How long did you hold that position?	2   stopped working with Verizon?
3 <b>A.</b> For four years.	3 <b>A.</b> Yes. It was August of 2004.
4 <b>Q.</b> Was that a full time or a part-time job?	4 <b>Q.</b> So between August of 2004 and March of 2008
5 <b>A.</b> That was full time.	5   were either you or Mr. Holland gainfully employed?
6 <b>Q.</b> Was it daytime hours?	6 <b>A.</b> No.
7 <b>A.</b> They have different shifts. It all depends	7 <b>Q.</b> Did you have between the two of you any
8   on what they, by seniority, what you got.	8   sources of income?
9 <b>Q.</b> So new people get stuck with the graveyard	9 <b>A.</b> Yes. I had income.
10   shift, that sort of thing?	10 <b>Q.</b> From what source?
11 <b>A.</b> Yeah.	11 <b>A.</b> Um, alimony and child support.
12 <b>Q.</b> So that was around 2000 or so to 2004?	12 <b>Q.</b> Any other sources of income between the two
13 <b>A.</b> Yeah. It was the latter part of 1999 to	13   of you for that time frame?
14   2004.	14 <b>A.</b> Well, I've had settlements.
15 <b>Q.</b> During that same time frame was Mr. Holland	15 <b>Q.</b> For litigations in Federal Court?
16   employed?	16 <b>A.</b> Yes.
17 <b>A.</b> No.	17 <b>Q.</b> One of those settlements was for
18 <b>Q.</b> Is Mr. Holland employed now?	18   approximately \$10,000, is that right, gross?
19 <b>A.</b> No.	19                  MR. HANNA: Objection.
20 <b>Q.</b> Is Mr. Holland on any form of disability?	20                  THE WITNESS: I cannot give that
21 <b>A.</b> No.	21   information out.
22 <b>Q.</b> So from 2004 to the present am I correct that	22                  MR. HANNA: She's under a
23   neither you nor Mr. Holland had any gainful	23   confidentiality agreement for the settlements.
24   employment?	24                  MR. SHOEMAKER: Well, the one I

19	21
1 mentioned can't be confidential, it's public 2 record. That's how I know. It's online. 3 MR. HANNA: Go ahead. 4 BY MR. SHOEMAKER: 5 Q. Was one of your settlements for \$10,000? 6 MR. HANNA: Which one was this? 7 MR. SHOEMAKER: I forgot. It's on 8 PACER. 9 Let me go off the record for a second. 10 (Discussion held off the record.) 11 BY MR. SHOEMAKER: 12 Q. Is it true that you have resolved certain 13 pending litigation regarding LAD and ADA violations 14 for cases that previously were pending in Federal 15 Court? I'm not asking you how much, but there are 16 cases you have settled? 17 A. Okay. Just say that one more time. I'm 18 sorry. 19 Q. You have pursued cases other than the one I'm 20 involved in relating to ADA, alleged ADA and LAD 21 violations; correct? 22 A. Yes. 23 Q. Have you settled certain of those cases? 24 A. Yes.	1 to 2008? 2 A. Yes. 3 Q. Without the settlement funds that came from 4 the four cases you told me about, would you have 5 been able to make ends meet, meet your bills and so 6 forth from 2004 to 2008? 7 A. Yes. 8 Q. With only alimony and child support? 9 A. Yes. 10 Q. Are you currently looking for employment? 11 A. Yes, I am. 12 Q. Do you have any resumes out? 13 A. No. 14 Q. Are you looking in any particular field? 15 A. I went to New Jersey Unemployment and now 16 since they've sent me because of my vision they 17 sent me to rehabilitation services and I spoke to 18 them and they said that I have to finish with, I 19 just had an eye operation, I need a second one, and 20 they said that I can't seek employment until my 21 health issues are dealt with. 22 Q. Okay. 23 My understanding is that a second 24 procedure is scheduled for next month; is that
20	22
1 Q. And am I correct that under the terms of 2 those settlements you are not permitted to disclose 3 the amount of the settlements? 4 A. Yes. 5 Q. How many cases have you settled that resulted 6 in some amount of money being paid to you? 7 A. Three. I believe it's three. 8 Q. Between August of 2004 when you stopped 9 working with Verizon and March of 2008 when 10 Mr. Holland had some temporary employment with 11 Rowan, did you have any sources of income other 12 than alimony, child support and the proceeds of 13 three cases that you settled from Federal Court? 14 A. There is another case that was not ADA which 15 you stated before. 16 Q. Is that the first amendment case against 17 Glassboro? 18 A. Yes. 19 Q. Were the terms of that settlement 20 confidential -- 21 A. Yes. 22 Q. -- by agreement? 23 A. Yes. 24 Q. And that case settled in a time frame of 2004	1 right? 2 A. Yes. 3 Q. Once the second procedure is completed is it 4 anticipated you'll have good vision? 5 A. Hopefully. 6 Q. Who are you treating with for your eyes? Is 7 it Wills Eye Hospital? 8 A. Yes. 9 Q. Once you've completed that treatment and job 10 rehabilitation is it your intention to go back to 11 the work force? 12 A. Yes. 13 Q. Do you know if Mr. Holland is attempting to 14 return to the work force? 15 A. Yes. 16 Q. What kind of job is he looking for? 17 A. Well, he presently has, he was terminated 18 from his position and he has a hearing appeal to 19 get his job back. 20 Q. Did Mr. Holland initiate litigation against 21 Rowan University? 22 A. Well, when he -- can you explain that, what 23 you mean by that question? 24 Q. Well, did Mr. Holland either himself or

23	<p>1 through counsel file a lawsuit against Rowan?</p> <p>2 <b>A.</b> Well, when you -- when you're an employee of</p> <p>3 the state you request in writing for a hearing</p> <p>4 which is through the Merit Board but now it's</p> <p>5 called the Civil Service Commission and he's doing</p> <p>6 that pro se.</p> <p>7 <b>Q.</b> That's an administrative type process?</p> <p>8 <b>A.</b> It's under Office of Administrative Law.</p> <p>9 <b>Q.</b> Did you or did attorneys on your behalf file</p> <p>10 a suit against Rowan University?</p> <p>11 <b>A.</b> That's an unrelated matter.</p> <p>12 <b>Q.</b> Okay. I understand that, but you did?</p> <p>13 <b>A.</b> Yes.</p> <p>14 <b>Q.</b> What was that relating to?</p> <p>15 <b>A.</b> That was relating to accessibility,</p> <p>16 retaliation, being banned from the property.</p> <p>17 <b>Q.</b> What is the current status of that suit if</p> <p>18 you know?</p> <p>19 <b>A.</b> What the current status is is that it's in</p> <p>20 discovery phase right now.</p> <p>21 <b>Q.</b> Going back to Mr. Holland, if you know, what</p> <p>22 reason did Rowan give for terminating him?</p> <p>23 <b>A.</b> Job performance.</p> <p>24 <b>Q.</b> And obviously Mr. Holland disagrees with that</p>
24	<p>25</p> <p>1 disabled and that was my first incident of</p> <p>2 advocacy. I also co-founded an organization that</p> <p>3 provided a recreational program for children with</p> <p>4 autism and I petitioned different educational</p> <p>5 institutions to allow for programs to be held</p> <p>6 there.</p> <p>7 <b>Q.</b> What was the name of that group that you</p> <p>8 co-founded?</p> <p>9 <b>A.</b> Dreams For Tomorrow.</p> <p>10 <b>Q.</b> Does that still exist?</p> <p>11 <b>A.</b> No.</p> <p>12 <b>Q.</b> What happened to it?</p> <p>13 <b>A.</b> Um, when I became a single mother I didn't</p> <p>14 have the time because I practically ran the whole</p> <p>15 show, you know, the fund raising and I just didn't</p> <p>16 have the time. I had to go back to work.</p> <p>17 <b>Q.</b> What about when did you stop your activities</p> <p>18 with Dreams For Tomorrow?</p> <p>19 <b>A.</b> Let's see. 19, just before -- 1998,</p> <p>20 somewhere around there.</p> <p>21 <b>Q.</b> Were there any other things you did in terms</p> <p>22 of advocacy before you began writing tickets for</p> <p>23 handicapped parking?</p> <p>24 <b>A.</b> Well, I -- if there were stores or if I was</p> <p>26</p> <p>1 assessment?</p> <p>2 <b>A.</b> Yes.</p> <p>3 <b>Q.</b> That's why he's appealing?</p> <p>4 <b>A.</b> Yes.</p> <p>5 <b>Q.</b> In your Complaint you refer to yourself or</p> <p>6 your attorney referred to you as an advocate for</p> <p>7 the disabled. Is that an accurate label do you</p> <p>8 think?</p> <p>9 <b>A.</b> Yes.</p> <p>10 <b>Q.</b> When did you first become active as an</p> <p>11 advocate for the disabled?</p> <p>12 <b>A.</b> Shortly after my daughter was diagnosed.</p> <p>13 <b>Q.</b> With autism?</p> <p>14 <b>A.</b> Yes.</p> <p>15 <b>Q.</b> How long ago was that?</p> <p>16 <b>A.</b> 1987.</p> <p>17 <b>Q.</b> Initially what form did your advocacy take?</p> <p>18 <b>A.</b> I, through my father was a legislator, I</p> <p>19 petitioned the State of New Jersey to increase</p> <p>20 their funding to early intervention because</p> <p>21 services were limited and I thought it was very</p> <p>22 important to increase the budget because she needed</p> <p>23 additional speech and therapy and that was the</p> <p>24 beginning basis that you start with a child that's</p> <p>1 in a situation or if I had, my mother was disabled,</p> <p>2 she was in a wheelchair, if there was incidents</p> <p>3 where she was not able, I was not able to take her</p> <p>4 somewhere I would go into the store and explain to</p> <p>5 them that you have to provide accessibility for</p> <p>6 people in wheelchairs or something was in the way,</p> <p>7 you've got to make sure that, you know, the area is</p> <p>8 free and unobstructed because I had to deal with</p> <p>9 pushing her in a wheelchair.</p> <p>10 I went to family support meetings and</p> <p>11 some parents that didn't have any knowledge or I</p> <p>12 had some knowledge to share, I would speak up at</p> <p>13 the meeting and receive them after the meeting and</p> <p>14 give them some information, just anything that</p> <p>15 advocacy, anything that touches my life that to</p> <p>16 make anything accessible not only for myself</p> <p>17 because I'm in a particular situation would be for</p> <p>18 another disabled person. I would bring that to</p> <p>19 their attention.</p> <p>20 <b>Q.</b> Now, going back to the instances where you</p> <p>21 would speak to somebody at stores when they had ADA</p> <p>22 accessibility problems, did you speak to</p> <p>23 management, a supervisor? Typically who would you</p> <p>24 speak to?</p>

<p style="text-align: center;">27</p> <p>1   <b>A.</b> I would speak to a manager. Like if I was in 2 a store and my daughter, a display was in the way, 3 I would say to them that the display is in the way, 4 she could have hurt herself and that it needed to 5 be 36 inches.</p> <p>6   <b>Q.</b> What kind of stores are we talking about? 7 Like a Sears or a J.C. Penney or --</p> <p>8   <b>A.</b> A drug store, a grocery store.</p> <p>9   <b>Q.</b> And what kind of reception did you get when 10 you brought this to their attention?</p> <p>11   <b>A.</b> A very good reception.</p> <p>12   <b>Q.</b> Was there a point when you decided to stop 13 taking those kind of concerns to store management 14 and begin issuing tickets instead?</p> <p>15   <b>A.</b> Say that again. I'm sorry.</p> <p>16   <b>Q.</b> Was there a time when you decided to stop 17 bringing those types of concerns to management of 18 stores?</p> <p>19   <b>A.</b> No, because then on the other end if I 20 received bad I also received, I'm sorry, if I also 21 received good responses, I also received bad 22 responses.</p> <p>23   <b>Q.</b> Okay.</p> <p>24                 In relation --</p>	<p style="text-align: center;">29</p> <p>1   <b>Q.</b> Okay.</p> <p>2   <b>A.</b> And people are rude, but sometimes they're 3 not rude.</p> <p>4   <b>Q.</b> Well, in that particular situation it was you 5 and Mr. Holland alone, you didn't have your 6 daughter when you took pictures, and it was a 7 medical facility for psychiatric patients and you 8 told me you don't do that, you don't go in and talk 9 to the supervisors.</p> <p>10                 Why don't you do that anymore?</p> <p>11   <b>A.</b> Why don't I do that --</p> <p>12   <b>Q.</b> Yes.</p> <p>13   <b>A.</b> -- anymore?</p> <p>14   <b>Q.</b> Let's take that circumstance. What was there 15 about that circumstance that you didn't go in and 16 try to talk to somebody instead of writing a dozen 17 tickets?</p> <p>18   <b>A.</b> The circumstance was, it's because there were 19 private vehicles parked in the handicapped spots. 20 They had no credentials. And then you had other 21 vehicles that were vans that didn't have any 22 handicapped credentials either.</p> <p>23   <b>Q.</b> Right.</p> <p>24                 My question is, let's take that</p>
<p style="text-align: center;">28</p> <p>1   <b>A.</b> Where I was ignored.</p> <p>2   <b>Q.</b> At some point did you stop going to 3 management of any stores when you saw different ADA 4 type violations?</p> <p>5   <b>A.</b> Well, no. It all depends if I had my 6 daughter with me or, you know, I had the time to 7 address it. It all depended upon the circumstance.</p> <p>8   <b>Q.</b> Okay.</p> <p>9                 You may or may not remember this. I 10 represented New Point Behavioral Health in 11 connection with a dozen or 15 tickets you wrote 12 against them, and on cross-examination I asked you 13 whether you attempted to go talk to a supervisor 14 because a van was in a handicapped spot and you 15 told me in essence that you don't do that because 16 people are rude to you and harass you when you do 17 it.</p> <p>18                 Do you remember saying that?</p> <p>19   <b>A.</b> Do I remember saying that? No.</p> <p>20   <b>Q.</b> Does it sound accurate as far as how you 21 feel?</p> <p>22   <b>A.</b> Well, there was a point where I did say it, 23 but as I said to you, it depends on the 24 circumstance.</p>	<p style="text-align: center;">30</p> <p>1   situation in specific. What was it about that 2 situation that deterred you from walking in and 3 asking to speak to somebody with authority about 4 what you saw as a violation?</p> <p>5   <b>A.</b> Because it's a private vehicle. It's not 6 like I'm bringing -- it's not like I went and 7 signed, it's just that I analyze the situation and 8 because it was a private vehicle I decided to take 9 a picture of it to document the violation.</p> <p>10   <b>Q.</b> Several times?</p> <p>11   <b>A.</b> Sorry?</p> <p>12   <b>Q.</b> Several times? My question is, there is more 13 than one way to achieve the same goal; agreed?</p> <p>14   <b>A.</b> If you're parked illegally in a handicapped 15 spot and you don't have a credential, then you 16 can't be parked there.</p> <p>17   <b>Q.</b> Understood.</p> <p>18                 As to the person who parked there, 19 right, but you also write tickets against property 20 owners for failing to provide access? You're 21 familiar with the two different types of tickets; 22 right?</p> <p>23   <b>A.</b> Yes.</p> <p>24   <b>Q.</b> My question really for you is, how do you</p>

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<p>1 decide when you should go talk to management of a      2 property owner about something you see that's a      3 violation as opposed to just writing a ticket and      4 seeing them in court?</p> <p>5     <b>A.</b> Well, when it's a motor vehicle type of thing      6 I usually don't go in and talk about it. If they      7 are obstructing with merchandise in a handicapped      8 space or they, um, are getting their own delivery      9 or they're getting a delivery there then I will say      10 something if I have the opportunity.</p> <p>11         But if there is just a private vehicle      12 in there you may not have aware -- you know, you      13 may not be aware of who it is.</p> <p>14     <b>Q.</b> That's true.</p> <p>15     <b>A.</b> And by taking the information down and giving      16 the information to the police, then they give it to      17 the court clerk. Then I write the summons and that      18 would be the notification that there is something      19 wrong.</p> <p>20     <b>Q.</b> So under that way of proceeding the first      21 time an owner is going to know about a problem on      22 their lot is when they get a ticket; right?</p> <p>23     <b>A.</b> When I sign a ticket, yes.</p> <p>24     <b>Q.</b> Now, did I hear you correctly that one of the</p>	<p>1     <b>A.</b> Yes.</p> <p>2     <b>Q.</b> Okay. And I'm assuming it, too. I don't      3 know one way or the other.</p> <p>4             In advance of writing any of those      5 tickets did you take it upon yourself ever to go      6 into the store and ask to speak to somebody with      7 authority about the practice of how products were      8 getting delivered into the store?</p> <p>9     <b>A.</b> No.</p> <p>10     <b>Q.</b> Why not?</p> <p>11     <b>A.</b> I'm sorry?</p> <p>12     <b>Q.</b> Why not?</p> <p>13     <b>A.</b> Because -- are you talking about J&amp;D Liquor?      14 J&amp;D Liquor itself or are you talking about a broad      15 range of --</p> <p>16     <b>Q.</b> J&amp;D Liquor in specific, the tickets you      17 issued to J&amp;D or you caused to be issued.</p> <p>18     <b>A.</b> Well, when I first wrote the first ticket it      19 was against the property owner and the tickets      20 thereafter, that was the property owner meaning      21 their vehicle, okay, and then the subsequent      22 tickets were of the delivery trucks and then it was      23 the pattern and practice that it was a continuing      24 ongoing practice.</p>
32	34
<p>1 scenarios that would lead you to talk to the      2 manager of a facility is when there is loading and      3 unloading going on that may obstruct a handicapped      4 space; is that right?</p> <p>5     <b>A.</b> At some times, yes, when I have the      6 opportunity.</p> <p>7     <b>Q.</b> Now, the tickets that you caused to be issued      8 in this particular situation against J&amp;D Liquors,      9 for the most part those tickets related to loading      10 and unloading of beer and soda; correct?</p> <p>11     <b>A.</b> I don't know what they were unloading. I      12 couldn't tell you if they were unloading soda.</p> <p>13     <b>Q.</b> You took pictures of the trucks; right?</p> <p>14     <b>A.</b> Right.</p> <p>15     <b>Q.</b> And the trucks were a Coors Light truck, a      16 Miller Light truck and a Coke truck.</p> <p>17     <b>A.</b> Okay. Well, you're breaking them down into      18 separate companies. You're saying, okay, I      19 didn't -- I thought you were saying whether Coors      20 delivers soda. I don't know that. You know what      21 I'm saying?</p> <p>22     <b>Q.</b> Those trucks were probably delivering some      23 sort of product to J&amp;D Liquors, is that fair to      24 assume?</p>	<p>1     <b>Q.</b> Did you speak to anyone, make any efforts to      2 speak to anyone at J&amp;D or the drivers of the trucks      3 you saw parked at J&amp;D about your opinion that I      4 presume you had that it was inappropriate to park      5 the trucks where they were during deliveries?</p> <p>6     <b>A.</b> No. I didn't want any confrontation.</p> <p>7     <b>Q.</b> Okay.</p> <p>8             And that's more or less what I recall      9 you saying in the New Point case, you didn't want      10 confrontation. What do you mean by that?</p> <p>11     <b>A.</b> I don't want the person yelling at me and      12 threatening me or striking me.</p> <p>13     <b>Q.</b> So you're afraid a delivery driver would      14 strike you if you tried to address concerns about      15 handicapped parking?</p> <p>16     <b>A.</b> I would be afraid if they tried to      17 aggressively come after me, be mad.</p> <p>18     <b>Q.</b> Would you have the same concern about the      19 owner of a liquor store or a manager of a liquor      20 store?</p> <p>21     <b>A.</b> I would be concerned that if I gave an      22 indication that something was wrong as a pattern or      23 practice, that I might be retaliated upon.</p> <p>24     <b>Q.</b> When you wrote the tickets for obstruction</p>

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1 regarding the delivery trucks, at that point in 2 time were you aware that the union contracts for 3 the delivery drivers provided that they were not 4 allowed to go up and down steps during deliveries? 5 <b>A.</b> I have no knowledge of that. 6 <b>Q.</b> So you were not aware that they had to use 7 the front doors to make their deliveries; is that 8 right? 9 <b>A.</b> I'm not aware of any regulation. 10 <b>Q.</b> You certainly never asked the drivers if 11 there was a reason why they were delivering where 12 they were; is that right? 13 <b>A.</b> I did not speak to the drivers. 14 <b>Q.</b> When did you begin your practice of causing 15 citizens complaints for handicapped parking and 16 obstruction? 17 <b>A.</b> When did I begin this? 18 <b>Q.</b> Yes. 19 <b>A.</b> Well, I began signing citizen complaints in 20 2005 after asking a police officer to sign the 21 complaint and he refused to. 22 <b>Q.</b> Do you remember what township that was in? 23 <b>A.</b> Glassboro. 24 <b>Q.</b> Did you initiate any complaint or proceedings	1 if they put a new car on a ramp or blocking a cut 2 curb or doing, breaking up or just blocking it with 3 any type of material, you know, live plants, 4 setting up a tent in it, you know, blocking it, 5 tables. I mean, it's all kind of different 6 obstructions. 7 <b>Q.</b> What I was getting at is that from the 8 beginning then you were causing citizens complaints 9 to be issued both against owners of vehicles as 10 well as owners of the property? 11 <b>A.</b> Yes. 12 <b>Q.</b> Are you still causing citizens complaints to 13 be issued? 14 <b>A.</b> Yes. 15 <b>Q.</b> Is it any more intense or less intense than 16 it once was? When I say intense I mean number of 17 tickets per month. 18 <b>A.</b> I think that in Glassboro I've seen a decline 19 in violations. I've had people come up to me and 20 say that I've made a difference, that they feel 21 there is more accessibility in Glassboro and 22 thanked me for it. 23 <b>Q.</b> Over the time where you have been issuing 24 citizens complaints can you estimate or
36	38
1 against that officer? 2 <b>A.</b> It was the officer's discretion. No. 3 <b>Q.</b> You live in Glassboro; right? 4 <b>A.</b> Yes. 5 <b>Q.</b> Were most of your initial complaints heard in 6 Glassboro Municipal Court? 7 <b>A.</b> Some were heard in Glassboro. 8 <b>Q.</b> When you first started writing tickets what 9 kind of tickets were you causing to be issued? 10 <b>A.</b> Different tickets. Handicapped parking, 11 parking on the sidewalk, all accessibility, 12 accessibility tickets, parking in the sidewalk, 13 blocking a cut curb, blocking a ramp, parking on 14 top of a ramp. 15 <b>Q.</b> All those type of tickets seem to be tickets 16 you would file against the owner of the vehicle as 17 opposed to a owner of a premises; is that right? 18 <b>A.</b> No. 19 <b>Q.</b> When you first started doing it? 20 <b>A.</b> That's not right. 21 <b>Q.</b> What other type of tickets did you cause to 22 be written? 23 <b>A.</b> It's the same. Well, they would be failure 24 to provide access. If they put their merchandise,	1 approximate, tell me exactly if you can, how many 2 tickets you've caused to be issued? 3 <b>A.</b> I don't know. I'm just giving an estimate, 4 okay, about 800. 5 <b>Q.</b> And what towns were those tickets issued in? 6 <b>A.</b> Glassboro, Pitman, Mantua, Woodbury, Woodbury 7 Heights, East Greenwich, Elk Township, Monroe 8 Township. That's all I think -- Washington 9 Township and then there is other counties. 10 <b>Q.</b> Other counties? 11 <b>A.</b> Yeah. 12 <b>Q.</b> What other counties? 13 <b>A.</b> Ocean County and Camden County. 14 <b>Q.</b> Filing a complaint in Ocean County would 15 cause you to have to travel all the way out there 16 to testify? 17 <b>A.</b> That's where my mother lived. 18 <b>Q.</b> Okay. 19                  Now, in certain of these cases I 20 presume the people who you issued tickets would 21 just pay them and there is no trial; right? 22 <b>A.</b> Yes. 23 <b>Q.</b> In the cases that have been tried, you've won 24 some and lost some; is that right?



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1 <b>Q.</b> You were found guilty of something in the 2 Glassboro Public School matter?	1 <b>Q.</b> I was more like a finding on handicapped and not 2 looking at the evidence I believe.
3 <b>A.</b> No, I wasn't found guilty. It was 4 overturned.	3 <b>Q.</b> I'm not quite sure I follow. You thought 4 that he did something inappropriate with the way he 5 merged tickets, is that what you said?
5 <b>Q.</b> On appeal?	6 <b>A.</b> Like if they had two handicapped violations 7 he merged -- if they had like two different 8 handicapped violations on two different days, he 9 merged it instead of treating one and one as two 10 separate violations, which they were, on two 11 separate days. He merged the both of them and they 12 only paid the one fine.
6 <b>A.</b> Yes.	13 <b>Q.</b> So that was not the result of a plea deal, 14 that was on the merits of a case?
7 <b>Q.</b> Who?	15 <b>A.</b> No. I guess it was -- it's what the 16 prosecutor recommended to the judge, I believe.
8 <b>A.</b> Judge Golden -- Judge Powell.	17 <b>Q.</b> Okay.
9 <b>Q.</b> You started to say I think Judge Golden. Was 10 it him, too?	18                  And you disagreed with the 19 prosecutor's recommendation?
11 <b>A.</b> Golden.	20 <b>A.</b> I disagreed with the finding.
12 <b>Q.</b> So both, you filed ethics complaints against 13 both Judge Powell and Judge Golden?	21 <b>Q.</b> Do you know what the outcome was of those 22 ethics charges?
14 <b>A.</b> Yes.	23 <b>A.</b> That there was nothing, you know, they 24 weren't going to proceed.
44	46
1 outbursts and threats against me in the courtroom. 2 He prevented me from testifying when I was a 3 defendant. That's all I can remember right now.	1 <b>Q.</b> How did you initiate those proceedings? 2 Procedurally where did you go?
4 <b>Q.</b> Do you know what the outcome was of those 5 charges?	3 <b>A.</b> Well, I looked online.
6 <b>A.</b> Well, they said that there was nothing that 7 they could -- it wasn't under judicial, that I 8 would have to take a private suit. I don't 9 remember what their exact wordage was, but they 10 didn't find anything.	4                  MR. HANNA: I'm going to object to 5 this entire line of questions, because I don't know 6 what relevance it is, but you can answer the 7 question.
11 <b>Q.</b> While those ethics charges were pending did 12 Judge Powell transfer any cases that otherwise 13 would have been in front of him to a different 14 judge?	8                  MR. SHOEMAKER: Okay.
15 <b>A.</b> At first he reclused himself and then Judge 16 Springman came in.	9                  THE WITNESS: I looked online under --
17 <b>Q.</b> Now, you filed an ethics complaint against 18 Judge Golden as well?	10 I don't know whether I looked online, I can't 11 remember, or I called up the municipal division 12 manager and said I had a concern about and how do I 13 file a complaint, do I file it with her, and she 14 directed me to that agency that does that.
19 <b>A.</b> Yes, and I think I filed one against Judge 20 Springman, too. I'm not sure.	15 BY MR. SHOEMAKER:
21 <b>Q.</b> What was the basis of your ethics complaint 22 against Judge Golden?	16 <b>Q.</b> How about Judge Springman, what was the 17 nature of your ethics complaint against him?
23 <b>A.</b> Again, this is a while ago. I'm trying to 24 recollect. Okay. It was merging on tickets. It	18 <b>A.</b> The nature of the complaint was in one the 19 courtroom was overcrowded. There was too many 20 people in the courtroom. It was beyond capacity. 21 People were sitting behind me cursing at me and 22 nothing was being done by the police officer. They 23 were yelling out making belligerent comments about 24 me and he was dismissing cases that, where people

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<p>1 parked but they were like parked for 60 seconds or 2 something or 30 seconds, he felt it wasn't enough.</p> <p>3 <b>Q.</b> And you disagreed with his interpretation of 4 the law?</p> <p>5 <b>A.</b> Yes.</p> <p>6 <b>Q.</b> And what came of those complaints, if you 7 know?</p> <p>8 <b>A.</b> Nothing happened. I also disagreed with him 9 keeping me there when my daughter was being dropped 10 off with nobody home.</p> <p>11 <b>Q.</b> Now, with respect to the tickets you've 12 issued against the owners or operators of 13 businesses, how do you decide on any given day, 14 week or month who you're going to file tickets 15 against?</p> <p>16 <b>A.</b> I don't do it that way.</p> <p>17 <b>Q.</b> But that's sort of, it's going to be an 18 open-ended question, how do you do it?</p> <p>19 <b>A.</b> I don't decide. I'm out doing errands. I'm 20 going from my house to the grocery store, whether I 21 have Brittany or I don't, I'm just driving by and 22 if I see a denial of access I document it.</p> <p>23 <b>Q.</b> Let's use an example. Let's say you're 24 driving to the grocery store. Let's say you shop</p>	<p>1 <b>Q.</b> And by "document" you mean write down the tag 2 number if it's a car parked in an inappropriate 3 place?</p> <p>4 <b>A.</b> No. I videotape it.</p> <p>5 <b>Q.</b> Videotape. Have you always videotaped?</p> <p>6 <b>A.</b> No.</p> <p>7 <b>Q.</b> That's the current way of doing it?</p> <p>8 <b>A.</b> Yes.</p> <p>9 <b>Q.</b> Previously you would take photographs of 10 license plates?</p> <p>11 <b>A.</b> Yes.</p> <p>12 <b>Q.</b> And sometimes you would take a picture of the 13 rear-view mirror to show whether or not it would 14 have a placard?</p> <p>15 <b>A.</b> Yes.</p> <p>16 <b>Q.</b> And would you also write down the license 17 plate number as a backup so you could do a lookup?</p> <p>18 <b>A.</b> I might. I didn't write the number. I had 19 the picture, but I could write it down. I didn't 20 do it in every case, maybe an isolated case.</p> <p>21 <b>Q.</b> Let's move to J&amp;D Liquors. The first ticket 22 you wrote, the first citizens complaints you 23 arranged to have issued related to, according to 24 the records I've been given, a violation date of</p>
48	50
<p>1 at Shop-Rite. You're on your way to Shop-Rite and 2 you pass a Wawa. You have absolutely no intention 3 of going to the Wawa because you just want to get 4 on your way to Shop-Rite, but you see somebody 5 without a placard parked in a handicapped spot.</p> <p>6 In that situation would you stop at 7 the Wawa even though you're not going to patronize 8 Wawa and write up a ticket? I mean, is that an 9 example of something?</p> <p>10 <b>A.</b> I would stop at Wawa and document it, but I 11 also go to Wawa quite often to buy things.</p> <p>12 <b>Q.</b> I'm trying to make a hypothetical to 13 understand how it is you do what you do.</p> <p>14 <b>A.</b> If I'm going somewhere and I see a violation 15 I will document it.</p> <p>16 <b>Q.</b> So it's not limited to places that you intend 17 to go to purchase or potentially purchase a product 18 or a service?</p> <p>19 <b>A.</b> No, it's not limited.</p> <p>20 <b>Q.</b> Sometimes it is, sometimes it isn't? That's 21 fair?</p> <p>22 <b>A.</b> It all depends on the circumstance. If I'm 23 driving by and I see it usually I'm going to 24 document it.</p>	<p>1 April 10, 2006. What caused you to be either at or 2 in the vicinity of J&amp;D Liquors that day?</p> <p>3 <b>A.</b> Okay. My daughter's agency is around the 4 corner on Curtis Avenue.</p> <p>5 <b>Q.</b> What's the name of the agency?</p> <p>6 <b>A.</b> Independent Living.</p> <p>7 <b>Q.</b> Okay. Go on. I interrupted.</p> <p>8 <b>A.</b> And I dropped her off and sometimes I go 9 back, we go different ways home, but sometimes we 10 go through Broad and then what's that street.</p> <p>11 <b>Q.</b> Red Bank?</p> <p>12 <b>A.</b> Cooper. We go back that way or we go past 13 J&amp;D Liquor that way --</p> <p>14 <b>Q.</b> Curtis --</p> <p>15 <b>A.</b> -- past Broad Street.</p> <p>16 <b>Q.</b> Curtis is on the other side of Cooper from 17 where J&amp;D is; right?</p> <p>18 <b>A.</b> Yes. Like I said, here is Curtis. You go 19 down Henry Street and I go to, that's Cooper. 20 Sometimes I go home that day. Sometimes we go 21 home, we go back on, what's that, Broad Street, the 22 main street?</p> <p>23 <b>Q.</b> Right.</p> <p>24 <b>A.</b> And go home that way.</p>

51 1 <b>Q.</b> On Red Bank? You make a right at the light 2 where the hospital is? 3 <b>A.</b> Yeah. You make a right where the McDonald's 4 is. 5 <b>Q.</b> Okay. 6                 So on that particular day, April 10, 7 2006 what happened? 8 <b>A.</b> Well, we were driving by. The light was red 9 and I was the passenger and I saw that there was a 10 car parked in the handicapped space. There was no 11 tag on it and the license plate was not identified 12 to a handicapped individual. 13                 So Richard dropped me off. I took the 14 video. I'm sorry. Strike that. I took pictures 15 and then we left. 16 <b>Q.</b> And you arranged for a ticket to be issued? 17 <b>A.</b> Several days later I went down and I signed 18 the ticket, gave them the information and the 19 ticket was issued, citizens complaint. 20 <b>Q.</b> It looks like you had the ticket issued the 21 same day; is that right? 22 <b>A.</b> I don't have the ticket in front of me. 23 <b>Q.</b> What kind of a camera did you use, digital or 24 film?	53 1 <b>Q.</b> So that case was dismissed solely because 2 discovery wasn't produced? 3 <b>A.</b> That's correct. 4 <b>Q.</b> You're sure of that? 5 <b>A.</b> Yes. 6 <b>Q.</b> On the day that occurred were there any other 7 tickets against J&D? 8 <b>A.</b> I'm talking about the ticket against 9 Mr. Strout, the blue vehicle. Is that what one 10 you're referring to? 11 <b>Q.</b> Yes. 12 <b>A.</b> Yes. 13 <b>Q.</b> It was actually registered to J&D Liquors, 14 not Mr. Strout. 15 <b>A.</b> Well -- 16 <b>Q.</b> Just to be clear. 17 <b>A.</b> Okay. 18 <b>Q.</b> On the day that occurred, April 10, 2006, 19 case was dismissed for lack of discovery, was the 20 court considering any other tickets issued against 21 J&D? 22 <b>A.</b> That day? 23 <b>Q.</b> Yes. 24 <b>A.</b> I don't recall. I don't know if the other
52 1 <b>A.</b> Digital. 2 <b>Q.</b> How do you develop digital pictures or how 3 did you do in 2006? 4 <b>A.</b> You stick the chip into your computer printer 5 and hit print and that's how it's done. 6 <b>Q.</b> All right. 7                 Do you recall what the outcome of that 8 ticket was ultimately? 9 <b>A.</b> Yes, I do. 10 <b>Q.</b> What was the outcome? 11 <b>A.</b> It was dismissed. 12 <b>Q.</b> Why? 13 <b>A.</b> Because I gave the prosecutor -- it was a 14 conflict with the prosecutor. I gave him the 15 discovery and he failed to give it to defendant's 16 attorney. 17 <b>Q.</b> Was that the first appearance? 18 <b>A.</b> It wasn't at the first appearance. The first 19 appearance was Judge North excused himself because 20 the conflict was somebody from J&D Liquor and then 21 it got rescheduled to another judge and another 22 prosecutor because apparently somebody must be 23 connected with the town or with Judge North. I 24 don't know. I really don't.	54 1     tickets were available that day to be heard. I 2 don't remember. 3 <b>Q.</b> According to the records provided to me by 4 the Woodbury Municipal Court three matters were 5 heard on the same day. One is the one we just 6 discussed from April of 2006, one from September of 7 2006 and one from October of 2006. I'm just 8 representing what the court records say. 9                 Does that in any way refresh your 10 recollection of how many cases were considered that 11 day? 12 <b>A.</b> I know I signed a ticket on 9/27 and 10/13, 13 but I don't recall if that was the same day that 14 this ticket was heard. 15 <b>Q.</b> What ticket did you issue on 10/13? 16 <b>A.</b> It was against J&D Liquors, failure to 17 provide access and one of the vendors. 18 <b>Q.</b> Do you remember what occurred on the 19 violation date of September 27, 2006? Do you 20 remember what that ticket was about? 21 <b>A.</b> It was a violation of a delivery truck of a 22 vendor. 23 <b>Q.</b> I have been produced some photocopies of 24 photographs and some were actually marked, maybe

<p style="text-align: center;">55</p> <p>1 all of them were marked at prior depositions this 2 morning. They don't have dates on them. 3           Would you be able to look at those 4 photographs and tell me if any of those correspond 5 to the September 27 violation date?</p> <p>6       <b>A.</b> I can't tell you because there is no date on 7 these photographs and --</p> <p>8       <b>Q.</b> Do you have copies of photographs that do 9 have dates on them?</p> <p>10      <b>A.</b> Yes.</p> <p>11      <b>Q.</b> The ones that have been provided to me don't.</p> <p>12       MR. HANNA: I know. I don't have 13 ones with dates on them either.</p> <p>14       THE WITNESS: Sorry?</p> <p>15       MR. HANNA: I don't have ones with 16 dates on them, so you'll have to get them to me and 17 we'll get them over to him.</p> <p>18       THE WITNESS: Okay. Well, I sent them 19 through e-mail so I guess it doesn't -- I had no 20 idea that the date doesn't transpose through 21 e-mail.</p> <p>22 BY MR. SHOEMAKER:</p> <p>23       <b>Q.</b> When you save the pictures off your camera do 24 you title them based on the date in your electronic</p>	<p style="text-align: center;">57</p> <p>1       <b>A.</b> They were delivery trucks. 2       <b>Q.</b> Do you remember what brand was on the side of 3 the truck? 4       <b>A.</b> It wasn't a Coca-Cola truck. It was either, 5 there is a Coors, a Bud Light and a Coors truck. I 6 don't know which one it was, though. I can't, to 7 be honest with you. 8       <b>Q.</b> What was it about the way the truck was 9 parked that you thought was improper? 10      <b>A.</b> It's blocking the path of travel and the 11 entryway into the primary source area which is the 12 entrance of the building itself. 13      <b>Q.</b> Did the prosecutor present that matter on 14 behalf of the state? 15      <b>A.</b> Did he present it to the judge? 16      <b>Q.</b> Yes. 17      <b>A.</b> Um, I don't believe -- I don't recall. Well, 18 I don't recall if there was a trial. If there was 19 no trial it was under his discretion. 20      <b>Q.</b> What does that mean, "under his discretion"? 21      <b>A.</b> I explained to him why I took the picture, 22 what the problem was. He doesn't agree with me, he 23 dismisses it, whether it's right or wrong. 24      <b>Q.</b> I'm not going to get into whether it's right</p>
<p style="text-align: center;">56</p> <p>1 file? 2       <b>A.</b> It's automatically done. 3       <b>Q.</b> Your camera does it? 4       <b>A.</b> Yes. It sets date and time. 5       <b>Q.</b> So if you were to look at your electronic 6 file on the computer, whether by right clicking or 7 otherwise, you would be able to tell what date a 8 photo was taken? 9       <b>A.</b> Yes, by right clicking. If I put my arrow to 10 the picture it will come up with the date and time. 11      <b>Q.</b> Okay. 12       So what I'm going to ask, and I can 13 follow up with your attorney, I'd like a set of 14 these same photographs with some sort of 15 designation as to the date. 16      <b>A.</b> Sure. 17      <b>Q.</b> Whether it be by Post-it note or reference to 18 exhibit number. 19      <b>A.</b> That's fine. 20      <b>Q.</b> You can do that relatively easily? 21      <b>A.</b> Yes. 22      <b>Q.</b> So we can't match up the picture to the date 23 of September 27, but do you remember the 24 circumstances? Was it a delivery truck?</p>	<p style="text-align: center;">58</p> <p>1 or wrong at this point, but the September 27, 2006 2 violation that you documented, was there a finding 3 by the judge of a dismissal or not guilty? 4       <b>A.</b> Either/or. I don't remember whether it was 5 not guilty or dismissal. 6       <b>Q.</b> But there was a trial on the merits? 7       <b>A.</b> I don't remember if there was a trial. 8       <b>Q.</b> Do you remember a trial about any of these 9 tickets? 10      <b>A.</b> I don't remember if there was a trial. I 11 don't recall. 12      <b>Q.</b> And that applies to each one of them so I 13 don't have to go one by one? You don't remember if 14 there was a trial on any of them? 15      <b>A.</b> There was no trial. I'm sure there wasn't. 16 I really can't -- I know there was no trial with 17 the stalking charges, disorderly conduct by one of 18 your defendant. 19      <b>Q.</b> That was Harry Trout. 20      <b>A.</b> Yeah. 21      <b>Q.</b> You both took the Fifth Amendment and they 22 washed out and were dismissed; right? 23      <b>A.</b> They were dismissed, yes. 24      <b>Q.</b> But setting that one aside, the remainder of</p>

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1 the tickets against you --	1 <b>A.</b> Yes.
2 <b>A.</b> I don't remember whether it was a trial or	2 <b>Q.</b> That was?
3 just dismissed. I don't.	3 <b>A.</b> Yes.
4 <b>Q.</b> Were there any occasions where you filed any	4 <b>Q.</b> Okay. Am I correct that you did return to
5 sort of or caused to be filed any sort of ticket	5 J&D Liquors after that letter?
6 against J&D Liquors where there was a finding or a	6 <b>A.</b> No.
7 plea of guilty?	7 <b>Q.</b> Did you return to the McDonald's property and
8 <b>A.</b> I don't think there was any guilty finding	8 photograph or videotape the property of J&D
9 for them at all.	9 Liquors?
10 <b>Q.</b> And no guilty plea; correct?	10 <b>A.</b> Yes.
11 <b>A.</b> No guilty, no.	11 <b>Q.</b> Was that only on one occasion? I see a
12 <b>Q.</b> Now, you were represented by Mr. Agre on the	12 violation date of April 27, 2007. Does that sound
13 date when there were the cross complaints for	13 right?
14 harassment; right?	14 <b>A.</b> Let's see. The first April date, that was
15 <b>A.</b> That's correct.	15 2006.
16 <b>Q.</b> And essentially there was a deal where you	16 <b>Q.</b> Correct. I have a court notice here telling
17 and Mr. Trout would not testify against one another	17 me a ticket for obstruction was issued to J&D
18 so those charges were dismissed; correct?	18 Liquors, violation date April 27, 2007, ticket
19 <b>A.</b> Yes.	19 issued almost one month later, May 23, 2007.
20 <b>Q.</b> Do you remember there being an agreement	20                  Does that sound right to you?
21 between Mr. Agre and Mr. Cona, who represented J&D,	21 <b>A.</b> Yes.
22 that in exchange for that deal you would not return	22 <b>Q.</b> Can you identify if any of these photographs
23 to the premises of J&D Liquors?	23 were involved in that return trip in April of 2007?
24 <b>A.</b> No, I don't remember that.	24 <b>A.</b> No, I can't.
60	62
1 <b>Q.</b> I am going to show you what was marked at a	1 <b>Q.</b> Your attorney has advised me that he's either
2 previous deposition as D. Strout-2 and you've seen	2 in possession of or is aware of a videotape.
3 that letter before; is that right?	3                  Does that videotape relate to the
4 <b>A.</b> March 23rd, yes.	4 April 2007 complaint?
5 <b>Q.</b> And that's a March 23, 2007 letter from Chris	5 <b>A.</b> I'm not sure.
6 Cona, Esquire to Bob Agre, who was your attorney at	6 <b>Q.</b> Do you remember when you started videotaping
7 the time; correct?	7 instead of photographing?
8 <b>A.</b> Um-hum.	8 <b>A.</b> No, I can't tell you the exact time.
9 <b>Q.</b> I'm sorry. You have to say yes or no for the	9 <b>Q.</b> In any event, so you don't know if you took
10 court reporter.	10 photographs, videotape or both; is that accurate?
11 <b>A.</b> Oh, yes.	11 <b>A.</b> I don't have that information in front of me.
12 <b>Q.</b> Thank you.	12 The photographs don't tell me what the dates were
13 <b>A.</b> Sorry.	13 and I can't -- I can't remember which date they
14 <b>Q.</b> Now, the beginning of the letter says,	14 were taken.
15 "Pursuant to our court appearance on March 22, 2007	15 <b>Q.</b> Do you remember if you were there personally?
16 and our discussions, please make sure your client	16 <b>A.</b> Yes.
17 knows that under no circumstances is she allowed on	17 <b>Q.</b> You were?
18 J&D Liquors' property."	18 <b>A.</b> Yes.
19                  My question for you is, isn't that	19 <b>Q.</b> And was Mr. Holland with you?
20 sentence confirming a conversation between your	20 <b>A.</b> Yes.
21 attorney and the J&D Liquors' attorney that part of	21 <b>Q.</b> Do you and Mr. Holland generally travel
22 the deal that there would be no testimony and a	22 together as a rule?
23 dismissal of the harassment charges was that you	23 <b>A.</b> Not necessarily.
24 would not return to J&D Liquors?	24 <b>Q.</b> Let's say the images you took, we don't know

<p style="text-align: center;">63</p> <p>1 if they're pictures or video, let's call them 2 images, the images you took from the McDonald's 3 property; is that right?</p> <p>4     <b>A.</b> Yes.</p> <p>5     <b>Q.</b> Why did you choose to do that?</p> <p>6     <b>A.</b> Because after the last -- after the stalking 7 incident with Harry Trout I decided to take it from 8 McDonald's.</p> <p>9     <b>Q.</b> Did your receipt of the March 23 letter play 10 into your decision at all?</p> <p>11    <b>A.</b> I believe that the violation was before that, 12 but way before that.</p> <p>13    <b>Q.</b> What violation?</p> <p>14    <b>A.</b> Well, the charges against Mr. Trout.</p> <p>15    <b>Q.</b> Were well before that letter, correct. The 16 March 23, 2007 letter came just after your court 17 appearance on the Trout matter; right?</p> <p>18    <b>A.</b> Okay, yes.</p> <p>19    <b>Q.</b> I think that's self-explanatory. The letter 20 talks about the court appearance.</p> <p>21               Had you received a copy of the March 22 23 letter before you took images on April 27, 2007?</p> <p>23 It's about a month after the date of the letter.</p> <p>24    <b>A.</b> Did I receive -- I guess within that 30 days.</p>	<p style="text-align: center;">65</p> <p>1 That's all I can remember right now.</p> <p>2     <b>Q.</b> Did each of those businesses advise you in 3 writing of what they wanted to happen or didn't 4 want to have happen?</p> <p>5     <b>A.</b> In writing or direct communication.</p> <p>6     <b>Q.</b> The direct communication meaning face-to-face 7 verbal?</p> <p>8     <b>A.</b> Yes.</p> <p>9     <b>Q.</b> How many of those were in writing?</p> <p>10    <b>A.</b> I would have to go down each and every one of 11 them. Is that what you want to do?</p> <p>12    <b>Q.</b> Well, I'll go through them so you don't have 13 to remember them in order.</p> <p>14               Bob's Little Gun Shop?</p> <p>15    <b>A.</b> Writing.</p> <p>16    <b>Q.</b> Heritage's?</p> <p>17    <b>A.</b> Writing.</p> <p>18    <b>Q.</b> Lucia's Bakery?</p> <p>19    <b>A.</b> I believe that was writing. I'm trying to 20 recall from memory. I believe it was writing.</p> <p>21    <b>Q.</b> Pat's Pizza?</p> <p>22    <b>A.</b> Verbal.</p> <p>23    <b>Q.</b> Rowan? Oh, that one is lifted. Okay.</p> <p>24               Woodbury Nissan?</p>
<p style="text-align: center;">64</p> <p>1 I received this shortly after.</p> <p>2     <b>Q.</b> And in any event you knew that part of the 3 deal, the plea deal for the Trout matter was you 4 wouldn't return anyway, so even if you hadn't 5 received the letter you were aware of that?</p> <p>6     <b>A.</b> When I received the letter that was 7 notification.</p> <p>8     <b>Q.</b> Aside from J&amp;D Liquors, what other property 9 owners or managers have either banned you from 10 their properties or somehow indicated to you they 11 would file trespassing or harassment complaints if 12 you came on to their property?</p> <p>13    <b>A.</b> Bob's Little Gun Shop, Heritage's, Lucia's 14 Bakery, Pat's Pizza.</p> <p>15    <b>Q.</b> Which one?</p> <p>16    <b>A.</b> It's in Woodbury Heights.</p> <p>17    <b>Q.</b> On Woodbury Glassboro Road?</p> <p>18    <b>A.</b> Um-hum, yes. Yes. Sorry about that.</p> <p>19    <b>Q.</b> You learned.</p> <p>20    <b>A.</b> Rowan University, but that's been lifted.</p> <p>21    <b>Q.</b> Any car dealerships?</p> <p>22    <b>A.</b> Woodbury Nissan. Second Chance Auto, 23 Campbell Heating, Monroe Tire, Auto Magic, The 24 Landmark, Glassboro Public Schools, The Founders Inn.</p>	<p style="text-align: center;">66</p> <p>1     <b>A.</b> Writing.</p> <p>2     <b>Q.</b> Second Chance Auto?</p> <p>3     <b>A.</b> In court.</p> <p>4     <b>Q.</b> So it was verbal?</p> <p>5     <b>A.</b> Yes.</p> <p>6     <b>Q.</b> Campbell Heating?</p> <p>7     <b>A.</b> Verbal.</p> <p>8     <b>Q.</b> Is that off of Kings Highway, Campbell 9 Heating?</p> <p>10    <b>A.</b> I don't know if that's the name of the 11 street. It's on the way to West Deptford.</p> <p>12    <b>Q.</b> Monroe Tire?</p> <p>13    <b>A.</b> Verbal.</p> <p>14    <b>Q.</b> Auto Magic?</p> <p>15    <b>A.</b> Writing.</p> <p>16    <b>Q.</b> Landmark Americana?</p> <p>17    <b>A.</b> Writing.</p> <p>18    <b>Q.</b> Glassboro Public Schools?</p> <p>19    <b>A.</b> Writing.</p> <p>20    <b>Q.</b> And Founders Inn?</p> <p>21    <b>A.</b> In court, verbal.</p> <p>22    <b>Q.</b> Now, you have filed suit against some but not 23 all of those entities; correct?</p> <p>24    <b>A.</b> Yes.</p>

<p style="text-align: center;">67</p> <p>1   <b>Q.</b> How did you decide which to sue and which not 2 to sue?</p> <p>3   <b>A.</b> It was time.</p> <p>4   <b>Q.</b> What does that mean?</p> <p>5   <b>A.</b> Statute of limitation time. I didn't make a 6 decision on which. They all violated my rights.</p> <p>7   <b>Q.</b> What do you understand the statute of 8 limitations to be if you have any understanding at 9 all?</p> <p>10      MR. HANNA: Objection. Go ahead. Go 11 ahead, you can answer the question.</p> <p>12      THE WITNESS: I can answer?</p> <p>13      MR. HANNA: Yes.</p> <p>14      THE WITNESS: It is my understanding 15 there is a time period you can file a suit against 16 someone else.</p> <p>17 BY MR. SHOEMAKER:</p> <p>18   <b>Q.</b> I don't mean to quiz you on legal matters, 19 but do you know what the time frame is to file a 20 claim?</p> <p>21   <b>A.</b> It depends what claim it is and I'm not sure 22 on all claims.</p> <p>23   <b>Q.</b> Okay. But your decision to not sue certain 24 of these entities, was it based on statute of</p>	<p style="text-align: center;">69</p> <p>1   <b>Q.</b> I just want to make sure there is not some 2 other category of things I'm not aware of. So they 3 all have to do with ADA violations, parking 4 tickets, things of that nature?</p> <p>5   <b>A.</b> Correct, yes.</p> <p>6   <b>Q.</b> Are you aware of any county charges being 7 filed against you for perjury?</p> <p>8   <b>A.</b> No.</p> <p>9                  Do you have the time?</p> <p>10     <b>Q.</b> I think I may come in right under the wire. 11                  You're not aware of any county charges 12 being filed against you for perjury?</p> <p>13     <b>A.</b> There are no county charges filed against me.</p> <p>14     <b>Q.</b> How do you know that? You say that with a 15 lot of confidence.</p> <p>16                  How do you know that?</p> <p>17     <b>A.</b> Because I inquired about it.</p> <p>18     <b>Q.</b> When?</p> <p>19     <b>A.</b> I spoke to Mr. Steve Sands because I saw it 20 on the screen, plus I know about the charges to 21 begin with. They've been dismissed.</p> <p>22     <b>Q.</b> So Steve Sands is a prosecutor?</p> <p>23     <b>A.</b> Yes.</p> <p>24     <b>Q.</b> When did you speak to Steve?</p>
<p style="text-align: center;">68</p> <p>1   limitations grounds?</p> <p>2   <b>A.</b> It's based upon resources, to be honest with 3 you.</p> <p>4   <b>Q.</b> Time?</p> <p>5   <b>A.</b> Time.</p> <p>6   <b>Q.</b> Woodbury Nissan, were they one of the 7 entities you've settled against?</p> <p>8   <b>A.</b> Yes.</p> <p>9   <b>Q.</b> And are the terms of that settlement 10 confidential by agreement?</p> <p>11      MR. HANNA: Yes.</p> <p>12      MR. SHOEMAKER: Okay.</p> <p>13 BY MR. SHOEMAKER:</p> <p>14   <b>Q.</b> Now, the reasons behind instructions not to 15 go to these various properties I would imagine 16 varies a little bit from case to case, but as a 17 general matter do they all relate to your writing 18 of parking tickets or tickets of some nature?</p> <p>19   <b>A.</b> It relates to me documenting a violation of 20 the business.</p> <p>21   <b>Q.</b> A violation relating to ADA accessibility or 22 something similar; is that right?</p> <p>23   <b>A.</b> It could be a multiple. It could be an ADA 24 violation. It could also be a parking violation.</p>	<p style="text-align: center;">70</p> <p>1   <b>MR. HANNA:</b> And I object to this line 2 of questioning. Go ahead and answer.</p> <p>3   <b>THE WITNESS:</b> Shortly after the case 4 was finished because it was remanded back to 5 Municipal Court. Shortly after the case was 6 dismissed I was checking on the computer down in 7 the county, criminal case management.</p> <p>8 BY MR. SHOEMAKER:</p> <p>9   <b>Q.</b> PROMIS/GAVEL?</p> <p>10   <b>A.</b> Yes.</p> <p>11   <b>Q.</b> Okay.</p> <p>12   <b>A.</b> And it was on there. I questioned him, if 13 this was remanded down there, why is it still on 14 there, and he said eventually it would come off, 15 but --</p> <p>16   <b>Q.</b> It sounds like you're referring to a single 17 entry on PROMIS/GAVEL. Am I accurate in that?</p> <p>18   <b>A.</b> I'm just going by what I saw on the screen.</p> <p>19   I don't know if there was multiple.</p> <p>20   <b>Q.</b> Did you see one entry or more than one entry?</p> <p>21   <b>A.</b> I just saw one entry.</p> <p>22   <b>Q.</b> I have sent this to your attorney already, 23 and it's not a trick, I found several.</p> <p>24   <b>A.</b> I'm not aware of that.</p>

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1 Q. Okay. All were remanded to Municipal Court.  
2 So you've answered the question. You're not aware  
3 of any county charges for perjury?

4 A. I'm not, no.

5 Q. Are you aware of any situations where charges  
6 originally filed as county charges were remanded to  
7 Municipal Court?

8 A. I'm only aware of one charge.

9 Q. What was that situation?

10 A. That was where I had charged tenants of a  
11 rental and I charged the landlord for disorderly  
12 house and as a counterclaim he said he wasn't  
13 running a disorderly house, that what I was saying  
14 wasn't true, and he filed those charges on me.

15 Q. Okay.

16 And once remanded what happened to the  
17 charge?

18 A. They were dismissed.

19 Q. Do you remember what township?

20 A. That was in Glassboro.

21 Q. Are you aware of any county charges for  
22 perjury leveled against Mr. Holland?

23 A. No.

24 Q. Have you ever been convicted of a felony?

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1 A. No.

2 Q. Ever charged with a felony?

3 A. No, I don't believe I have.

4 Q. Okay.

5 How about Mr. Holland?

6 A. Mr. Holland was charged with a felony, but he  
7 was never convicted.

8 Q. We're talking about the case that went to the  
9 Supreme Court? Is that what you're referring to?

10 A. Right. It was --

11 Q. I'm aware of that one.

12 A. It was thrown out, yes.

13 Q. I'm aware of that one.

14 Are you aware of any felony charges  
15 aside from the case that resulted in the Supreme  
16 Court decision?

17 A. I don't know about any other case.

18 Q. Okay.

19 Have you ever shopped at J&D Liquors?

20 A. No.

21 Q. Have you ever been inside the store?

22 A. No.

23 Q. Has Mr. Holland --

24 A. Yes.

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1 owner of J&D Liquors.

2 What interactions are you referring  
3 to?

4 **A.** Well, you have to read the question, sir.

5 **Q.** Okay. My question was --

6 **A.** The question that I answered.

7 **Q.** Okay. I'm going to tell you what the  
8 question was.

9 I asked why did you name David Strout  
10 individually, and your answer was, "The factual  
11 basis for my belief that defendant David Strout  
12 aided and abetted in defendant's retaliation  
13 against me is drawn from my interactions with him."

14 **A.** Can I just see that?

15 **Q.** Sure (handing).

16 MR. SHOEMAKER: Off the record.

17 (Discussion held off the record.)

18 THE WITNESS: Okay.

19 BY MR. SHOEMAKER:

20 **Q.** In your Interrogatory Answer for No. 15  
21 what are you referring to when you talk about your  
22 interactions with David Strout?

23 **A.** That would be the court appearance. That  
24 would be the interaction.

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1 **Q.** Okay.

2 Did you have any sort of conversation  
3 with Mr. Strout at the court appearance?

4 **A.** No. The interaction is the court proceeding  
5 and then I believe in the video, Mr. Strout is in  
6 the video.

7 **Q.** Do you know the difference between David  
8 Strout and Harry Trout?

9 **A.** Yes, I definitely do.

10 **Q.** Okay. Their names are similar, which is why  
11 I ask.

12 **A.** I know.

13 **Q.** So you believe that David Strout is in the  
14 video?

15 **A.** I believe so.

16 **Q.** Would that have been the last ticket?

17 **A.** Yes.

18 **Q.** Do you remember what David Strout is doing in  
19 the video?

20 **A.** No, I don't remember.

21 **Q.** Did you and Mr. Strout at any time exchange  
22 words even if it was one-sided?

23 **A.** I don't remember. I don't recall. It might  
24 have been something where he said he never got the

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1 discovery or he never saw discovery and he did see  
2 the discovery the day that we were at the court.  
3 He saw it and he actually had it in his hand and  
4 was looking at it, and that's, you know, that he  
5 had no knowledge of what was going on and why this  
6 was parked there and the whole thing.

7 **Q.** Was this -- I'm sorry.

8 **A.** And he didn't know anything about discovery  
9 at all and all that.

10 **Q.** Were these words directed to you or the  
11 prosecutor and the court?

12 **A.** He just said it.

13 **Q.** Okay.

14 I'm just trying to find out if there  
15 is any conversation between you.

16 **A.** I was talking to the prosecutor. I mentioned  
17 that he did see the discovery and I don't know  
18 whether he directed that -- I'm sure he directed it  
19 to me, but if not me it was to everyone or --

20 MR. HOLLAND: It's 14 after 3:00.

21 MR. HANNA: It's going to be rough.  
22 If you have further questioning maybe we should  
23 adjourn this.

24 MR. SHOEMAKER: I don't.

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1 MR. HANNA: You're done?

2 MR. SHOEMAKER: I told you I'd come  
3 in under the wire.

4 MR. HANNA: Okay.

5 MR. HOLLAND: You are under the wire,  
6 absolutely. Terrific.

7 MR. HANNA: I'd like to have the  
8 opportunity to ask a few redirect questions.

9 MR. SHOEMAKER: Okay.

10 BY MR. HANNA:

11 **Q.** I'm going to take you back to the court  
12 appearance, the court experience that you had with  
13 the cross charges with you and Mr. Trout is his  
14 name, right, and did you ever tell your attorney --  
15 who was your attorney in that case?

16 **A.** Mr. Agre.

17 **Q.** Did you ever tell Mr. Agre that you were  
18 willing to refrain from going on J&D Liquors'  
19 property in exchange for dropping charges against  
20 Mr. Trout?

21 **A.** No.

22 **Q.** And did you walk out of the courtroom that  
23 day understanding that you were banned from their  
24 premises?

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1 <b>A.</b> No.	1   wouldn't come on the property.
2 <b>Q.</b> When was the first time that you learned that	2 <b>Q.</b> Correct.
3   you were no longer permitted on the premises?	3 <b>A.</b> That's not true. That's not true. My
4 <b>A.</b> When I got written notification.	4   attorney did not say that to me.
5         MR. HANNA: Okay. That's it.	5 <b>Q.</b> Pursuant to the discussions between your
6         MR. SHOEMAKER: Now I'm going to need	6   attorney --
7   another minute. I'll make it quick.	7 <b>A.</b> That's what his attorney says. That's not
8   BY MR. SHOEMAKER:	8   what my attorney says.
9 <b>Q.</b> I showed you this letter D. Strout-2.	9         MR. HANNA: Let him finish his
10   Remember we looked at that letter?	10   question.
11 <b>A.</b> Yes.	11         THE WITNESS: Okay.
12 <b>Q.</b> And that was the letter that immediately	12   BY MR. SHOEMAKER:
13   followed the court appearance where you had cross	13 <b>Q.</b> Did you ever issue instructions for Mr. Agree
14   charges between you and Mr. Trout; correct?	14   to respond to Mr. Cona's letter and say I didn't
15 <b>A.</b> Yes.	15   agree to that?
16 <b>Q.</b> And the letter confirms discussions between	16 <b>A.</b> No.
17   Attorney Cona and Attorney Agree that he was to make	17 <b>Q.</b> Why not? If you didn't agree to it why
18   sure your client, meaning you, knew that under no	18   didn't you respond?
19   circumstances were you allowed on J&D Liquors'	19 <b>A.</b> To be quite honest with you, I just thought
20   property. That's what the letter says; right?	20   it was something that Mr. Cona just typed up, you
21 <b>A.</b> That's what the letter says, yes.	21   know.
22 <b>Q.</b> Right.	22 <b>Q.</b> Is there any significance to your mind when
23         So am I correct that your attorney and	23   attorneys write to one another and confirm an
24   Mr. Cona had an agreement tied to the plea deal	24   agreement or a discussion? Is there any
80	82
1   that if you two dismissed your charges that you	1   significance to that to you?
2   agreed you would not come back to J&D Liquors'	2 <b>A.</b> There is a significance because this attorney
3   property and that's why you stood on McDonald's	3   had denigrated me in court.
4   property to take your video?	4 <b>Q.</b> Who?
5 <b>A.</b> No, that's not true.	5 <b>A.</b> Mr. Cona.
6 <b>Q.</b> Okay. So you're changing your testimony that	6 <b>Q.</b> What significance is there to that?
7   you just gave me --	7 <b>A.</b> Because this is what he's saying that
8 <b>A.</b> I'm not changing my testimony.	8   transpired to my attorney. I have received no
9 <b>Q.</b> -- a half an hour ago?	9   notification confirming from my attorney that this
10 <b>A.</b> You're saying that's part of this, that was	10   happened.
11   part of the settlement. That's not true.	11         MR. SHOEMAKER: Okay. That's all.
12 <b>Q.</b> What is true then?	12         MR. HANNA: Okay. I would like to
13 <b>A.</b> That I was not notified until I got the	13   redress.
14   letter in the mail.	14   BY MR. HANNA:
15 <b>Q.</b> That the agreement was in place between the	15 <b>Q.</b> Do you know, were you there for the
16   attorneys?	16   discussions between your attorney and Mr. Cona?
17 <b>A.</b> No, that I was not allowed to come on the	17 <b>A.</b> No.
18   property.	18 <b>Q.</b> So you don't actually have any firsthand
19 <b>Q.</b> Okay.	19   knowledge of what the discussion was; is that
20         Tell me if I'm reading this letter	20   correct?
21   wrong. This letter is a confirmation between	21 <b>A.</b> That's true.
22   Mr. Agree and Mr. Cona --	22 <b>Q.</b> And when you received that letter did you
23 <b>A.</b> You said that's part of the -- you're saying	23   initially read that letter as there being an
24   that in order for the charges to be dropped that I	24   agreement between your attorney and his attorney?

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1     **A.** No.

2     **Q.** How did you read that letter?

3     **A.** I read it as something that Mr. Cona put on  
4 the paper. I really didn't have any trust in what  
5 he said there because I had no confirmation from my  
6 attorney.

7     **Q.** But did you read that as at least being  
8 plausibly read as a deal being made between your  
9 attorney and --

10    **A.** No, because that's not how we agreed it.

11    **Q.** When did it first occur to you that there  
12 could be a deal, that that could be read as a deal?

13    **A.** Today.

14    **Q.** When?

15    **A.** I -- this is what he's saying that, his  
16 interpretation of the letter.

17    **Q.** And that's the first time that you've ever  
18 interpreted the letter that way?

19    **A.** That's right.

20            MR. HANNA: Okay. That's all.

21            (Witness excused.)

22            ---

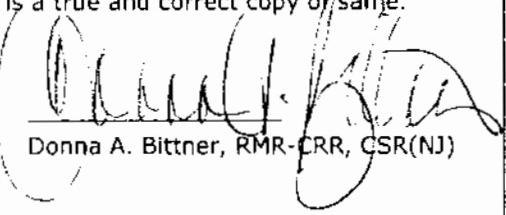
23            (Deposition concluded at 3:19 p.m.)

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1            CERTIFICATE

2  
3            I HEREBY CERTIFY that the proceedings,  
4 evidence and objections are contained fully and  
5 accurately in the stenographic notes taken by me upon  
6 the foregoing matter on Wednesday, August 26, 2009,  
7 and that this is a true and correct copy of same.

8  
9  
10              
11            Donna A. Bittner, RMR-CRR, CSR(NJ)

12  
13            (The foregoing certification of this  
14 transcript does not apply to any reproduction of the  
15 same by any means, unless under the direct control  
16 and/or supervision of the certifying reporter.)

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